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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,832	10/19/2001	Robert Dale Haun	DEE6270P0130US	4546

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12/31/2003

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EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/041,832

Applicant(s)

HAUN, ROBERT DALE

Examiner

Christopher Bottorff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 11-14 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

The amendment filed September 17, 2003 has been entered. Claims 11-15 are added. Claims 1-15 are pending.

Specification

Applicant is reminded of the proper format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract by the printer is limited.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the utility vehicle body" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al. US 5,339,494 in view of Smith US 6,374,936.

Esau et al. discloses a hinge assembly A (note the reference numerals added to the attached copy of Figure 4) comprising a double-rocker, four link mechanism. A bracket 23 comprises one link and is mounted to a tractor hood 14, near a back end of the tractor hood. The hinge allows the hood to open upwardly and backwardly from the front end of the tractor. See column 1, line 63, through column 2, line 2; and Figures 1-3.

The double-rocker, four link mechanism includes a lower, fixed link LL (note the reference numerals added to the attached copy of Figure 4) having two opposite ends E1, E2 (note the reference numerals added to the attached copy of Figure 4). Fixed link LL forms a bracket B (note the reference numerals added to the attached copy of Figure 4) and, consequently, each end of the fixed link is defined by a bracket B mounted to the tractor body. The mechanism further includes an upper, coupler link CL (note the reference numerals added to the attached copy of Figure 4) defined by a portion of the hood mounted bracket and formed by a central region of the bracket. The coupler link has two opposite ends. Two rocker links 16, 18 are provided that each has a lower end

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connected pivotally to one of the opposite ends of the fixed link at pins 24 and 26 respectively and an upper end connected pivotally to one of the opposite ends of the coupler link CL at pins 20 and 22 respectively. The rocker links are comprised of a comparatively longer, front link 18 and a comparatively shorter, back link 16, and wherein the coupler link CL is the shortest link. Also, the front 18, back 16, and coupler links CL are displaceable so that the upper end of the back link is movable toward and away from the lower end of the front link, between positions on opposite sides of a center line drawn between the lower end of the back link and the other end of the coupler link.

Esau et al. does not disclose that the tractor is equipped with a loader bucket. However, Smith teaches that the practice of equipping a tractor with a loader bucket 30 was old and well known in the art at the time the invention was made. See Figure 1. From the teachings of Smith, equipping the tractor of Esau et al. with a loader bucket would have been obvious to one of ordinary skill in the art at the time the invention was made. This would assist the tractor in moving earth or carrying heavy loads.

Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al. US 5,339,494 in view of Smith US 6,374,936 as applied to claim 1 above, and further in view of Schroeder et al. US 5,964,490.

Although Esau et al discloses that the bracket is secured to the hood, Esau et al., as modified by Smith, does not disclose that the bracket is secured by adhesive, that the hood is made from a polymeric material, and the bracket is made from steel.

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However, Schroeder et al. teaches that the practice of securing a steel support structure to a plastic body member with adhesive was old and well known in the art at the time the invention was made. See column 2, lines 18-22, and column 1, lines 32-40. From the teachings of Schroeder et al., securing the bracket support structure of Esau et al. to the hood body member by adhesive would have been obvious to one of ordinary skill in the art at the time the invention was made. This would effectively fasten the bracket to the hood. Also, making the hood from a polymeric material and making the bracket from steel would have been obvious to one of ordinary skill in the art at the time the invention was made in order to minimize the cost of the hood and provide the bracket with strength.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esau et al. US 5,339,494 in view of Smith US 6,374,936, Schroeder et al. US 5,964,490, and Fleming US 5,067,759.

Esau et al. discloses a tractor comprising a combination of a hood 14 and a hinge bracket 23 that is secured to the hood. The combination further comprises a double-rocker, four-link mechanism in which the bracket 23 forms one link. See Figures 1-3. Esau et al. does not disclose that the tractor is equipped with a loader bucket, that the bracket is secured to the hood by adhesive, that the hood is made from a vacuum-formed polypropylene material, and that the bracket is made from steel.

However, Smith teaches that the practice of equipping a tractor with a loader bucket 30 was old and well known in the art at the time the invention was made. See

Figure 1. From the teachings of Smith, equipping the tractor of Esau et al. with a loader bucket would have been obvious to one of ordinary skill in the art at the time the invention was made. This would assist the tractor in moving earth or carrying heavy loads.

Schroeder et al. teaches that the practice of securing a steel support structure to a plastic body member with adhesive was old and well known in the art at the time the invention was made. See column 2, lines 18-22, and column 1, lines 32-40. From the teachings of Schroeder et al., securing the bracket support structure of Esau et al. to the hood body member by adhesive would have been obvious to one of ordinary skill in the art at the time the invention was made. This would effectively fasten the bracket to the hood. Also, making the hood from a polymeric material, such as polypropylene, and making the bracket from steel would have been obvious to one of ordinary skill in the art at the time the invention was made in order to minimize the cost of the hood and provide the bracket with strength.

Also, Fleming teaches that forming polypropylene vehicle parts through a vacuum forming process was old and well known in the art at the time the invention was made. See column 2, lines 43-45. From the teaching of Fleming, using a vacuum forming process to form the hood of polypropylene would have been obvious to one of ordinary skill in the art at the time the invention was made in order to utilize a process familiar to manufacturing personnel. Moreover, in regard to the vacuum-forming process, the determination of patentability is based upon the product and not the process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

Allowable Subject Matter

Claims 6 and 11-14 are allowed. The prior art does not disclose or teach a spring that is mounted such that the front end is comparatively closer to the lower end of a front link and the back end of the spring is comparatively farther from the lower end of a back link, in combination with a hinge having the features defined in the claim 6.

Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Claim 5 defines an extensible-retractable spring connected between the rocker links. This feature, in combination with the further limitations of the claims, is not disclosed or taught by the prior art.

Response to Arguments

Applicant's arguments with respect to claims 1-5 and 7-10 have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims overcame the previous terms of rejection and necessitated the new terms of rejection outlined above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Redenbarger et al., Hagarty, Chiura, Keen, Burgo, and Nagy disclose hoods and hinge assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Christopher Bottorff

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